

□ 1030

ANOTHER ABDICATION OF DUTIES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX of North Carolina. Mr. Speaker, it has become quite apparent over the past few months that House Democrats just don't want to show up for work. They rallied behind proxy voting the moment the idea was conjured up, and ever since, they have become complacent in their duties.

The American people are showing up to work because their livelihoods depend on it. But when it comes to Democrat Members of Congress, it is the exact opposite. What a stark contrast.

For months, my Republican colleagues and I have made the trip from our districts to Washington to conduct the business of the people's House in the open. We have been present at committee hearings, votes, and other important functions, but it certainly seems that our Democrat colleagues don't share that same level of commitment.

What does that tell you about them?

Mr. Speaker, we can't ignore the fact that we are in the middle of a global pandemic, but that does not mean that we get to abdicate our duties as Members of Congress. Members of the United States Senate have shown up to conduct their business.

So why isn't the House doing the same?

What is concerning most of all is that the initial endeavor to implement proxy voting has now evolved into something more asinine: vote by text.

This attempt to consolidate power by Speaker PELOSI is just another feeble move, and one that runs counter to the operation of this deliberative body that has stood for hundreds of years, yet House Democrats seem perfectly content with this idea.

The American notion of showing up to work and fulfilling your duties seems to be a foreign concept to them. If they spent their time working, and less time looking for ways to get out of work, we would be making progress.

This is not an effective way to legislate and, in the end, the American people are the ones who will bear the brunt of this imprudent course of action.

The people's House must return to regular order, and if we keep kicking the can down the road on conducting business in the open, this institution will become rife with complacency. It is time we get back to work. Stop the delays. Stop the political ploys. The American people are counting on us.

CONGRESS ELECTS PRESIDENT IF NO ELECTORAL COLLEGE WINNER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, this is the second in the series of

House floor speeches by me on the recent Presidential elections.

Previously, I covered constitutional and Federal statutory law mandating that Congress—not the Supreme Court—decides whether to accept or reject States' electoral college vote submissions.

Today's remarks focus on who decides a Presidential election if no candidate receives an electoral college majority vote because of a tie, because multiple candidates split the electoral college vote, or because Congress rejected State electoral college votes.

Per the United States Constitution's 12th Amendment, Congress—not the Supreme Court—elects the next President and Vice President of the United States if no candidate wins an electoral college vote majority. Congress' decision is final, determinative, and non-reviewable.

The 12th Amendment states that if no candidate has a majority of the electoral college vote, then, from the three highest vote-getters for President, "the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote . . . and a majority of all of the States shall be necessary to a choice."

As an aside, the 12th Amendment requires the Senate to elect the Vice President. There is a twist in the House vote for President. A majority of Congressmen does not elect the President. Rather, the House votes by State delegations to elect the next President of the United States.

America has 50 States. After the 2020 elections, 26 State delegations have a Republican majority. Twenty States have a Democrat majority. The remaining State delegations are tied 50/50, with Iowa undecided pending an uncalled election.

Hence, if Congress rejects electoral college votes from States with election processes that are so badly flawed as to be unreliable and unworthy of acceptance, House Republicans control the election of the next President of the United States.

Let me repeat that for emphasis. House Republicans control the election of the next President of the United States.

For emphasis, the 12th Amendment has, on occasion, resulted in Congress electing the next President of the United States.

For example, in 1824, Andrew Jackson led the electoral college with 99 votes, to 85 votes for John Quincy Adams, to 41 votes for William Crawford, to 37 votes for House Speaker Henry Clay. The House elected second place finisher John Quincy Adams President of the United States over first place finisher Andrew Jackson, prompting Andrew Jackson to famously declare, "The Judas of the West has closed the contract and will receive the 30 pieces of silver . . . Was

there ever witnessed such a bare faced corruption in any country before?"

Another example is the 1876 election, wherein Democrat Samuel Tilden won the popular vote and amassed 184 electoral college votes, one shy of Ohio Republican Rutherford B. Hayes' 185 electoral college votes.

Louisiana's, Florida's, and South Carolina's electoral college votes were disputed because it strained credibility to believe these States voted Republican while still suffering from the destructive effects of a Republican-led invasion during the Civil War. Congress appointed a 15-member commission to study the matter, which split on party lines: eight Republicans for Hayes, seven Democrats for Tilden.

Congress then elected Hayes President of the United States in a deal that gave Louisiana's, Florida's, and South Carolina's disputed electoral college votes to Hayes in exchange for removing occupying Union troops from the South and ending reconstruction.

In sum, the history and law are clear: Congress, not the Supreme Court, determines who wins or loses Presidential elections.

PENNSYLVANIA VOTERS CONCERNED ABOUT VOTING IRREGULARITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MEUSER) for 5 minutes.

Mr. MEUSER. Mr. Speaker, many of the voters in Pennsylvania and in my district are rightfully upset and concerned about the irregular actions which occurred in the past election. There are valid reasons for the collective feeling of disenfranchisement and of distrust stemming from various election processes and procedural changes which were outside of statute.

Thousands—no—millions in Pennsylvania have a feeling of intense frustration and believe that their constitutional rights have been violated. To start, the Pennsylvania Supreme Court granted a 3-day extension for late-arriving ballots, usurping the authority of the State legislature and contradicting the U.S. Constitution, which clearly states: "The times, places, and manner of holding elections shall be prescribed in each State by the legislature thereof."

These constitutional authorities are not fair-weather laws, despite the challenges posed by the pandemic. The highly irregular actions of the Pennsylvania Supreme Court resulted in the unlawful counting of over 10,000 ballots that arrived after the statutory required time of 8 p.m. on election day—nobody disputes this—mitigating an accurate ballot count and, at the same time, fueling great distrust in the process.

Second, there are serious disputes over how individual mail-in ballots with technical errors were handled across the Commonwealth. Pennsylvania State law dictates that mail-in